### **MINUTES**

# OF THE

# NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: July 17, 2009

TIME: 9:00 am

PLACE: Hampton Inn

Raleigh, North Carolina

SUBMITTED BY: Terry Wright

Director

MEMBERS PRESENT: MEMBERS ABSENT:

Brad Smith Courtney Brown
Doc Hoggard Richard Lee

Mack Donaldson

STAFF PRESENT:

Director Terry Wright Board Secretary Nan Williams

Deputy Director Anthony Bonapart Training Officer Tim Pressley

Attorney Charles McDarris

VISITORS:

Richard Terrio Francis Collazo

Elizabeth Rogers Lorrie Hudnell
Tina Colledge Grant Thayer

Keviin Boehm Chad Ortman

Donald Clement Edwin Stevens

Michael Rowe Joseph Pernell

Sherry Courery David Burtt
Michael Traner William Perry
Julia Wicker Dennis Wicker

Keith Anthony Joel Matlin

Lawrence Kall Robert Benton

Ian FlowersMichael DeFrankHomer WeaverJohnny CainBrian RouseRobert Valentino

Robert Greene Dale Homan

Brad Smith Albert Strickland
James W. Daniels Michael Moffitt
Pavion O'Connor Rockie Goeller
Lance Chavez Curtis Owen

Kevin Parrish

### CALL TO ORDER

9:00 am. The July 17, 2009 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith.

In accordance with the State Ethics Law, Attorney Charles McDarris read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Mr. McDarris stated that Mr. Johnny Phillips term on the Board has expired, however, three members made a quorum to have a meeting.

MR. HOGGARD MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 17, 2009 BOARD MEETING. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Hoggard reported the results of the Screening Committee. See attached Screening Committee Report.

MR. HOGGARD MADE A MOTION TO APPROVE APPLICATIONS #1-21, #23, AND #24. SECONDED BY MR. DONALDSON. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO APPROVE APPLICATION #22. SECONDED BY MR. DONALDSON. MOTION CARRIED. IT WAS NOTED THIS APPLICATION WAS APPROVED SEPARATELY BECAUSEMR. SMITH REMOVED HIMSELF FROM VOTING OR HEARING THIS MATTER.

MR. HOGGARD MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Smith reported that he and Mr. Hoggard met as the Grievance Committee on July 16, 2009. The following individuals were present: Mr. William Wrenn, Mr. John Clifford, Mr. Michael Roberson, and Mr. Mike Flynn.

# MR. HOGGARD MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Hoggard stated that he feels that the same Board members are always attending the meetings while other Board members are not attending like they should. The two vacancies need to be filled and the Board needs to improve on the members' attendance for these meetings. Mr. Hoggard made the following motion:

# MR. HOGGARD MADE A MOTION FOR THE CHAIRMAN TO SEND A LETTER TO THE GOVERNINGBOARD ASKING TO FILL THESE TWO VACANCIES. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. McDarris stated that the industry member will be appointed in the next month or so.

### SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith stated that Mr.David Burtt from Jade Learning was present and would like to address the Board with a course he has submitted for approval. Mr. Burtt explained that it was an online course and what the course was about. Mr. Burtt stated that no one will receive the same questions and that the questions will be in a different order. Mr. Smith stated that this course does include access control that can be an electrofied lock which Mr. Smith feels needs to be approved.

# MR. DONALDSON MADEA MOTION TO ACCEPT THE RECOMMENDATIONS OF THE CONTINUING EDUCATION SUB-COMMITTEE. SECONDED BY MR. HOGGARD. MOTION CARRIED.

UNFINISHED BUSINESS None

# **OLD BUSINESS**

The matter of AlarmForce and Qualifying Agent Homer Weaver was presented to the Board for a settlement offer. AlarmForce and Mr. Weaver were to submit a specific management plan on how things are to be corrected and to include a copy of the agreement between AlarmForce and Mr. Weaver. The management plan should stipulate that all original contracts would be kept in the Raleigh, North Carolina office and not in Canada. All contracts to be maintained and delivered to the Raleigh office immediately and not kept in a technician's possession for days.

A draft management plan was presented to the Board. Mr. Homer Weaver was requested to present the management plan and not presented by the attorneys. Mr. Weaver read the management plan and answered questions by the Board.

After discussion by the Board, the Board went into a closed session pursuant to 143.318.11.

CLOSED SESSION: 10:50 am

RECONVENED: 11:20 am

Mr. Smith advised that the Board addressed legal questions with the Board's attorney.

MR. HOGGARD MADE A MOTION TO RECIND THE REVOCATION OF THE COMPANY BUSINESS LICENSE FOR ALARMFORCE AND THE INDIVIDUAL'S LICENSE FOR MR. WEAVER AND AS AN ALTERNATIVE, ENTER INTO A CONSENT AGREEMENT FOR 13 REGISTRATION VIOLATIONS, A BRANCH OFFICE VIOLATION, AND FOR ADDITIONAL ADMINISTRATIVE AND INVESTIGATIVE COSTS ACCRUED IN THIS MATTER IN THE AMOUNT OF \$8,733.60. ALSO, ACCEPT A CIVIL PENALTY AGREEMENT IN THE AMOUNT OF \$2000.00 FOR FAILING TO CORRECT BUSINESS PRACTICES OR PROCEDURES THAT HAVE RESULTED IN A PRIOR REPRIMAND BY THE BOARD. SECONDED BY MR. DONALDSON. MOTION CARRIED.

#### **NEW BUSINESS**

Mr. Smith called for the election of officers.

Nominations were taken for Board Chairman and Vice Chairman.

MR. DONALDSON MADE A MOTION TO ELECT MR. BRAD SMITH AS CHAIRMAN AND MR. DOC HOGGARD AS VICE CHAIRMAN. NONE OPPOSED. MOTION CARRIED.

Mr. Smith stated he would continue to serve on the Continuing Education Committee along with Mr. Tom Pugh.

# DIRECTOR'S REPORT

Mr. Wright presented the written report and advised that as of May 1, 2009, the combined budget balance was \$331,995.48. The Alarm Recovery Fund balance was \$34,797.93. As of July 14, 2009, the Board has 880 and 4224 registrants.

### ATTORNEY'S REPORT

Mr. McDarris reported the following agreements:

- 1. Frank Chaput Consent Agreement with installment payments has been paid.
- 2. Brian Prow Consent Agreement with installment payments is current.
- 3. William Waller Consent Agreement with installment payments has been paid.
- 4. George Ware Consent Agreement paid in full.
- 5. Dirk Samples Consent Agreement paid in full.
- 6. Ken Gill Consent Agreement paid in full.
- 7. Stephen Johnson Consent Agreement with installment payments paid in full.
- 8. George Wunker Consent Agreement paid in full.
- 9. Lynn Hoosier Consent Agreement paid in full.
- 10. David Frederick Consent Agreement paid in full.
- 11. Charles Smith Consent Agreement paid in full.
- 12. Pamela H. McLean Consent Agreement paid in full.
- 13. William Bunn Consent Agreement paid in full.
- 14. Rodney Hall Consent Agreement paid in full.
- 15. Charles Smith (Asheville Office) Consent Agreement paid in full.
- 16. Richard Crabtree Consent Agreement paid in full.

The Board was given a hearing list of upcoming Office of Administrative Hearings.

### **RULES**

- 1. 12 NCAC 11 .0206 Proposed Employment Security Commission has been filed with the Rules Review Commission. Mr. McDarris will report back at the next meeting.
- 2. 12 NCAC 11 .0203 and .0302 Proposed fee increases have been filed with the Office of Administrative Hearings. These will be held pending final passage by the legislature to modify the fingerprint card filing requirements.

Mr. McDarris stated that the proposed changes have been filed as Senate Bill 1073 in regard to the 74D Legislative Amendments.

Mr. McDarris stated that the fire alarm legislation is not going any further in this session.

A discussion was held in regard to using third party online criminal record checks. The Board will accept bids and then the Board will agree on one vendor which everyone will use. Mr. Wright stated this process would streamline the process.

MR. HOGGARD MADE A MOTION FOR THE ALARM BOARD TO WORK IN CONJUNCTION WITH THE PPS BOARD IN PROCEEDING WITH THIS PROCESS FOR ONLINE CRIMINAL RECORD CHECKS. THE BOARD APPOINTED MR. DONALDSON AS THE COMMITTEE PERSON TO WORK WITH THE PPS BOARD.

Mr. Smith stated that the new website is hard to find and would like Mr. Wright to look into seeing if it can be changed to make it easier for the public to access.

# GOOD OF THE ORDER.

Mr. Hoggard commended Mr. Wright and staff on a good job they have done.

MR. DONALDSON MADE A MOTION TO ADJOURN. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Meeting Adjourned:	12:10 pm		
		Terry Wright Director	
		Nan Williams Reporter	